

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JOSE ANTONIO PRADO-DIAZ,

Plaintiff,

v.

Case No. 12-cv-779 MCA-GBW

STATE OF NEW MEXICO, et al.,

Defendants.

**ORDER TO SHOW CAUSE**

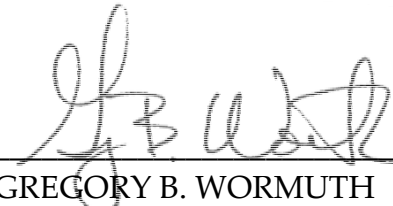
This matter is before the Court upon the filing of Defendant's *Martinez* Report as ordered by this Court. *See doc. 18*. In the Report, Defendants assert that they have mailed several letters to Plaintiff in an effort to resolve the case. *See id.* at 8-9; Exs. E, F, H. These letters have been sent to Plaintiff's address of record in this case as well as to an address claimed by Plaintiff in another case in this District. *See id.*, Ex. E, H; *see U.S. v. Covarrubias-Lopez et al*, 2:04-cr-02502-RB (D.N.M. 2012). Defendants assert that Plaintiff has not responded to any of these letters.

Plaintiff has a "continuing duty to notify the Clerk, in writing, of any change in their mailing address." D.N.M.LR-Civ 83.6. In fact, Plaintiff is aware of this responsibility given that he filed a change of address request in his other case in this District. *U.S. v. Covarrubias-Lopez et al*, 2:04-cr-02502-RB, doc. 92. Plaintiff's apparent failure to update his change of address will make proceeding in his case impossible.

The Court may impose sanctions for Plaintiff's failure based on the local rules and the Court's inherent power to regulate its docket and promote judicial efficiency. *See Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *See e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir. 2005).

Based on Plaintiff's failure to respond to Defendant's letters and the lack of any notice of change of address, there appears to be a manifest lack of interest on the part of Plaintiff in litigating this matter. As such, he will be required to show cause why this case should not be dismissed.

Wherefore, **IT IS HEREBY ORDERED** that, no later than May 31, 2013, Plaintiff shall file with the Court his notice of intent to proceed with this lawsuit and his current address. Failure to respond to this Order shall constitute an independent basis for dismissal. It is **FURTHER ORDERED** that the Clerk shall mail a copy of this order to Plaintiff at both the address of record in this case and at P.O. Box 800089, Houston, TX 77280.

  
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GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE